

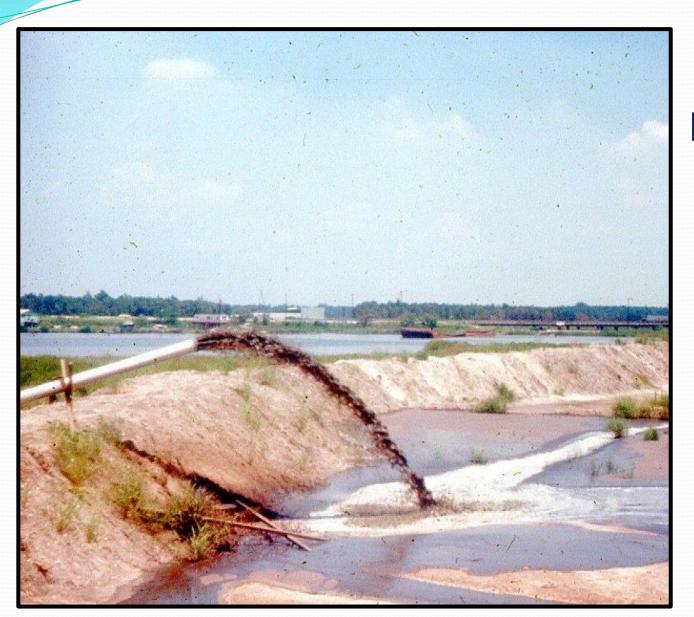
## San Jacinto River Waste Pits Superfund Site

# DRAFT ROD Briefing

**September 22, 2017** 







#### San Jacinto River Waste Pits

South Impoundment 1965

## **Changing River Conditions**

1966 1997









#### **Site History**

- 1960s: Paper mill waste disposal.
- 2008: EPA added Site to the NPL.
- 2009: EPA Order to McGinnis and International Paper to conduct RI/FS.
- 2010: McGinnis & International Paper sign Consent Order to construct a temporary cap.
- 2011: Temporary cap completed.
- 2012, 2013, 2014, 2015, 2016, 2017: Cap repairs
- 2014: PRPs submitted an initial draft FS. EPA asks for USACE input.



#### **Site History**

- 2015: EPA dive team discovers 20 foot gap in the temporary cap; dioxin exposed. PRP's ordered to repair the cap. Intense media interest.
- 2016:
  - Another cap repair needed, inspection protocols updated.
  - 8 foot deep scour found near cap.
  - EPA assumed authorship of the FS.
  - Reviews of Proposed Plan by Remedy Review Board, HQ dioxin risk assessors, Contaminated Sediment Workgroup, ORD and OSRTI.



#### 9/29/16 Proposed Plan

#### Northern Waste Pits

- Remove 152,000 cubic yards of waste for offsite disposal.
- \$ 77 million.

#### Southern Impoundment

- Remove 50,000 cubic yards of waste for offsite disposal.
- \$10 million.



#### Rationale

- Dioxin waste is highly toxic and persistent (100s of years).
- High threat of repeated storms and constant river flow against man-made features.
- The history of armor cap maintenance.
- Avoids catastrophic release in un-controlled situation [USACE projected significant loss over 80% cap area].

#### **Other Alternatives Considered**

- No further action.
- Institutional controls.
- Upgraded caps.
- Partial Solidification/Stabilization.
- Partial removal alternatives.



None are Reliable for all Storm Events

#### **Public Comment Period**

- September 29, 2016 to January 12, 2017; public meeting in October 2016.
- 7,000 written comments received [94% in favor of removal, 3% opposed, 3% no preference]
- 48,000 petition signatures

#### Site Stakeholders

[Generally: for, against, questioning]

- San Jacinto River Coalition
- Galveston Bay Foundation
- Coastal Conservation Association Texas
- San Jacinto River Fleet
- San Jacinto Citizens Against Pollution (CAP)
- Sediment Management Workgroup
- Texas Association of Business
- McGinnes [Waste Management]
- International Paper

#### Site Stakeholders

- Texas Commission on Environmental Quality
- Harris County
- City of Baytown
- Port of Houston Authority
- Congressional Babin (R-TX36); Green (D-TX29);
- Federal & State Partners (NOAA, USFWS, TCEQ, TX GLO, TPWD, USACE, USGS

#### **Pre-decisional**

#### **Key Issues**

- Would an improved cap be permanent?
  - 2016 USACE modeling projected 80% erosion of temporary cap in a huge storm event.
    - PRPs could not duplicate USACE model results.
    - PRPs claim that an enhanced cap would be permanent
  - > 2017 USACE modeled enhanced cap projects large erosion
    - Historical photos show loss of land; flood & site history demonstrate erosion & river morphology changes.
      - 8-ft deep scour adjacent to cap in 2016.
      - □ Large scour near cap in 2017 Hurricane Harvey
      - Additional repairs needed after Harvey [over 1,000 tons of additional rock]
- Can Principal Threat Waste be excavated without spreading pollution?
  - PRPs & others fear dioxin release inevitable with removal.
  - USACE indicated that excavation in the "dry" behind cofferdam could be accomplished without material release.

#### **Pre-decisional**

#### Issues in change of cost estimates

- Enhanced cap:
  - ≥2016 Proposed Plan: \$24.8 million
  - 2017 Response to Comments: \$80 million (100 yr. O&M & 0.7% discount rate)
- Excavation & disposal:
  - ≥2016 Proposed Plan: \$87 million
  - ➤ 2017 Response to comments: \$115 million (with cofferdam & dry excavation for northern pit)



#### **Enforcement Process**



## **Potentially Responsible Parties**

#### **Major Parties**

International Paper Arranger

McGinnis (Waste Mgt) Owner/Operator

#### **Minor Parties**

3. Megasand Enterprises Former Operator

4. Musgrove Towing Service Current Owner

New Lost River, LLC Current Owner

#### **CONCERNS**

- Cost Intl. Paper and McGinnis spent about \$10M for temporary cap, \$1.5M on cap O&M, and final remedy cost of \$115M
- Ability-to-Pay Megasand, Musgrove & New Lost River